IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

MONDAY, THE 4TH JUNE 2007 / 14TH JYAISHTA 1929

WP(C).No. 14511 of 2007(C)

PETITIONER:

C.MOHANABALAN, S/O.T.K.KUTTIKRISHNAN NAIR,GENERAL MANAGER (MARKETING & PERSONNEL), KERALA STATE WAREHOUSING CORPORATION,HEAD OFFICE ERNAKULAM,P.B.NO.1727,WAREHOUSING CORPORATION ROAD,COCHIN-682016 (UNDER SUSPENSION)R/A.31/363-A1 PARADISE GARDENS,PARADISE ROAD,VYTTILA,COCHIN-19.

BY ADV. SRI.P.N.RAVINDRAN
SMT.PREETHY KARUNAKARAN
SMT.MEENA.A.
SMT.M.R.MINI
SRI.JAYKAR.K.S.

RESPONDENTS:
----

1. **THE KERALA STATE WAREHOUSING CORPORATION HEAD OFFICE,ERNAKULAM,P.B.NO.1727, WAREHOUSING CORPORATION ROAD, COCHIN-682016 REPRESENTED BY ITS MANAGING DIRECTOR.**

2. **R.SREEDHARAN, CHAIRMAN OF THE BOARD OF DIRECTORS & THE EXECUTIVE COMMITTEE OF THE KERALA STATE WAREHOUSING CORPORATION, RESIDING AT SANTHI BHAVAN,KATTAPPANA P.O., IDUKKI DISRICT.**

3. **J.VIJAYA MOHANAN, MEMBER, EXECUTIVE COMMITTEE OF THE KERALA STATE WAREHOUSING CORPORATION, JOINT SECRETARY, FINANCE DEPARTMENT,GOVERNMENT OF KERALA, SECRETRIAT,THIRUVANANTHAPURAM.**

4. **A.VINOBHAN,MEMBER,EXECUTIVE COMMITTEE OF THE KERALA STATE WAREHOUSING CORPORATION,RESIDING AT NO.1335-111,ANAVADUKKAL, PRESS JUNCTION,M.G.ROAD,KASARAGOD,PIN-671 121.**

5. M.ALBERTIN,MEMBER, EXECUTIVE COMMITTEE OF THE KERALA STATE WAREHOUSING CORPORATION,DEPUTY SECRETARY TO GOVERNMENT, AGRICULTURE DEPARTMENT,SECRETRIAT THIRUVANANTHAPURAM.

6. LT.COL.(RETD.)K.G.RAMACHANDRAN, MANAGING DIRECTOR,THE KERALA STATE WAREHOUSING CORPORATION,RESIDING AT 7-H,J.M.CRESENT, P.J.ANTONY ROAD,PALARIVATTOM,COCHIN-682 025.

7. D.SREEKUMAR, ADOVATE,JYOTHIS, 40/XLIII,AYYAPPANKAVU JUNCTION, CHITTOOR ROAD, COCHIN-682 018. (THE ENQUIRY OFFICER APPOINTED BY THE SIXTH RESPONDENT).

BY ADV. SRI.MAJNU KOMATH, SC, K.S.W.C.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04/06/2007, ALONG WITH WPC NO. 31457 OF 2006 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR,J.

WP(C)NO.14511 OF 2007-C

Judgment

The petitioner is an Officer of the 1st respondent Corporation. He attacks Ext.P7 memo of charges issued by the Managing Director of the Corporation and also Ext.P12 letter, directing the 7th respondent to proceed with the enquiry against the petitioner. This Court can interfere with a charge memo, if only it is issued by a person, who has no authority to issue it or even if all its contents are taken to be true, no misconduct is disclosed. According to the petitioner, the charge sheet has been issued by the Managing Director,who is not competent to do that. Only the Executive Committee of the Board of Directors of the Corporation is competent to issue the charge sheet. But, I find that Ext.P7 is issued by the Managing Director, on behalf of the Executive Committee. The petitioner has already submitted Ext.P9 reply. But, the petitioner points out that without considering the reply and placing it before the Executive Committee, the Managing Director has already intimated the Enquiry Officer to embark on the enquiry as per Ext.P12 communication. Therefore, Ext.P12 is also attacked as illegal. The petitioner points out that even before issuing the charge sheet and receiving the reply to it, the Managing Director has pre-judged his case and decided to hold an enquiry into the allegations, by engaging a lawyer of this Court.

2. During the course of the disciplinary proceedings, the delinquent may feel that several irregularities are being committed. But, every time, he cannot make a frog leap to this Court, raising grievance of one or the other irregularity from the part of the disciplinary

authority or the enquiry officer. He should wait for the final outcome of the disciplinary proceedings. If the final order goes against them, while challenging that order, he can raise all the grounds available under law, including the alleged irregularities in the conduct of the disciplinary proceedings. I think, it is not proper for this Court to examine the alleged irregularities at this stage. In the result, the Writ Petition is dismissed without prejudice to the contentions of the petitioner.

04.06.2007 **K.BALAKRISHNAN NAIR,JUDGE**

sta